

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MONTY C. PEPPER,)
Plaintiff,)
v.) C.A. No. 05-084-JJF
Warden THOMAS CARROLL, C/O)
BAMBIE THOMAS, C/O JAMES)
GARDELS, C/O THOMAS SEACORD)
Defendants.)

AFFIDAVIT OF BAMBIE THOMAS

I, Bambie Thomas, having been duly sworn according to the law, do hereby depose and state the following:

1. I am employed by the State of Delaware, Department of Correction at the Delaware Correctional Center ("DCC") near Smyrna, Delaware as a correction officer. I have been employed by the Department of Correction for ten years. My rank is Correctional Sergeant and in addition to the general duties of a correction officer I also monitor the everyday activity in the housing unit. I have held this position since March, 2002.
2. In response to a request from the State of Delaware Department of Justice, I am providing the following information regarding allegations made by Monty Pepper in his Motion for temporary Restraining Order Without Notice and for Preliminary Injunction.
3. I work only in the Security Housing Unit ("SHU") at DCC. I occasionally work overtime when frozen within the institution. I do not work overtime in any other housing unit in the institution. Since Monty Pepper left the SHU I have not had any contact with

him. On August 2, 2005, Inmate Pepper was moved to V Building, a [REDACTED] housing unit.

4. I do not recall Inmate Pepper requesting any legal phone calls in May, 2005. In the autumn of 2004, he did request legal phone calls, which the corrections staff attempted to place for him. However, the calls to his attorney were refused by the attorney's office, and the call to the Public Defender was also refused.

5. On Tuesdays and Fridays the inmates in the SHU receive razors with breakfast, and the razors are picked up when the lunch trays are picked up. Because the razors are picked up on the same day they are issued, Inmate Pepper would always be expected to give his back. If he had to give back the razor, then it is accounted for, making it very difficult to "plant" a razor. I deny ever saying anything to Inmate Pepper about putting a razor in his cell.

6. I have no recollection of calling Inmate Pepper a child molester at any time.

7. In the SHU inmates are required to shower three times per week. I do remember requiring Inmate Pepper to shower as he had particularly bad body odor. He refused, saying that he had no towel. As there were no towels on the housing unit at that time, I offered him a sheet to dry off with. Some inmates do "air dry" after their showers. It is not unusual for them to do this. I never called Inmate Pepper a "stinking bitch" as he claims. I do recall Inmate Pepper saying, "some one should slap that bitch."

8. When trays come to the SHU, the staff put the bread and juice on the trays and give them out. The bread comes packaged like the loaves of bread at the store. When staff put bread on the trays, some one will get as one of the slices, the end piece of the loaf. The trays are then passed out in no special order. With several people giving out

trays, there is no way to be certain which tray any inmate will receive at the start of tray distribution. Inmate Pepper may have received slices that were the end of a loaf of bread by chance from time to time. However, not all of the slices he would get at each meal would be the ends of the loaf. Because several people distribute the trays randomly during the meal service, there is no way to ensure that a particular tray will be given to Inmate Pepper.

9. Inmates know that the mail is collected and goes out on the 4 P.M. to 12 A.M. shift. I work the day shift. The 4 – 12 shift takes the mailbag out to the mailroom at the end of the shift. I have not picked up any mail from Inmate Pepper.

10. Saturdays in the SHU are supply days. The inmates are instructed to turn over the cardboard toilet paper roll in order to get a new roll of toilet paper. Often, even if an inmate does not turn over the cardboard roll, he will be given a new roll and reminded of the rule. On occasion, inmates who have not turned over the cardboard roll or who are asking for increased amounts of toilet paper will be given some paper, but not an entire roll. There is no reason for Inmate Pepper not to receive toilet paper.

11. Inmate Pepper's cell was frequently dirty, smelled bad and was filled with trash. Far from refusing him the opportunity to clean his cell, he has been instructed to clean the cell. On one occasion I even went into his cell and put Comet cleanser in his toilet because it was dirty and smelled bad. I then ordered Inmate Pepper to clean his cell while I was standing there and provided him with a broom and a mop. Inmates in the SHU are to ask for the cleaning supplies prior to their recreation day.

12. I have made these statements based upon my personal knowledge, specialized training, and experience as an employee of the Department of Correction.

Bambie Thomas
Bambie Thomas

SWORN TO AND SUBSCRIBED BEFORE ME THIS 16th DAY OF February
2006.

Brian D'Engen
NOTARY